

UNITED STATES DEPARTMENT OF COMMERCE **United States Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.	
09/492.	210 01/2	7/00	ANGELOPOULOS	М	IBM-188
_			MM92/0611	EXAM	MINER
Thomas A Beck				ROCCHEGIANI,R	
26 Rockledge Lane New Milford CT 06776				ART UNIT	PAPER NUMBER
				2825	
				DATE MAILED:	06/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

	Application No.	Appl. ht(s)					
Office Action Summany	09/492,210	ANGELOPOULOS ET AL.					
Office Action Summary	Examiner	Art Unit					
	Renzo N. Rocchegiani	2825					
The MAILING DATE of this communication appo Period for Reply	ears on the cover sheet with the co	rrespondence address					
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period or - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b). Status	36 (a). In no event, however, may a reply be tir y within the statutory minimum of thirty (30) days will apply and will expire SIX (6) MONTHS from , cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).					
1) Responsive to communication(s) filed on 27.	<u>January 2000</u> .						
2a) ☐ This action is FINAL . 2b) ☑ Th	is action is non-final.						
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposition of Claims							
4) Claim(s) 1-27 is/are pending in the application.							
4a) Of the above claim(s) is/are withdrawn from consideration.							
5) Claim(s) is/are allowed.							
6)☐ Claim(s) is/are rejected.							
7) Claim(s) is/are objected to.							
8) Claims <u>1-27</u> are subject to restriction and/or	election requirement.						
Application Papers							
9) The specification is objected to by the Examin	er.						
10) The drawing(s) filed on is/are objected	to by the Examiner.						
11) The proposed drawing correction filed on is: a) approved b) disapproved.							
12) The oath or declaration is objected to by the E	xaminer.						
Priority under 35 U.S.C. \$ 119							
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f).							
a) ☐ All b) ☐ Some * c) ☐ None of:							
1. ☐ Certified copies of the priority document	s have been received.						
2.☐ Certified copies of the priority document		on No					
3. Copies of the certified copies of the priority documents have been received in this National Stage							
application from the International Bu * See the attached detailed Office action for a list		d.					
14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).							
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Attachment(s)							
15) Notice of References Cited (PTO-892) 16) Notice of Draftsperson's Patent Drawing Review (PTO-948) 17) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	19) Notice of Informal	ry (PTO-413) Paper No(s) Patent Application (PTO-152)					

Application/Control Number: 09/492,210

Art Unit: 2825

DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1-5 and 20-27, drawn to a device, classified in class 713, subclass
 194.
 - II. Claims 6-19, drawn to a method of forming a device, classified in class438, subclass 362.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions II and I are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case the product may be formed with a different process such as, the polymer material may be deposited in a number of different ways, the patterning process may also vary.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
- 4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

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5. A telephone call was made to Mr. Beck on June 1, 2001 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renzo Rocchegiani whose telephone number is (703) 308-5839. The examiner can normally be reached on Monday through Friday from 8:30 am. to 4:30 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Smith, can be reached at (703) 308-1323. The fax phone number for the organization where this application or proceeding is assigned is (703) 305-3432.

RNR

June 4, 2001

MATTHEW SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800